# Attorney Docket No. 1934-004US01

#### SHUMAKER & SIEFFERT, P.A.

#### **United States Patent Application**

# COMBINED DECLARATION AND POWER OF ATTORNEY

name, and that I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PASSIVE OPTICAL NETWORK ADDRESS ASSOCIATION RECOVERY

The specification of which				
c. was (in the case of a	22, 2003 as application serial no. 10/69 PCT-filed application) described and cl for which I solicit a United States pater	laimed in international no.	(if applicable) or filed and as amended on (if a	any),
I hereby state that I have re any amendment referred to	viewed and understand the contents of above.	the above-identified specificat	tion, including the claims, as amended	i by
I acknowledge the duty to of Federal Regulations, § 1.56	disclose information which is material to (attached hereto).	o the patentability of this appl	ication in accordance with Title 37, C	ode of
certificate listed below and	rity benefits under Title 35, United State have also identified below any foreign the basis of which priority is claimed:			
<ul><li>a. \( \subseteq \) no such applications</li><li>b. \( \subseteq \) such applications have</li></ul>	have been filed. we been filed as follows:		·	
FOR	EIGN APPLICATION(S), IF ANY, C	LAIMING PRIORITY UNDE	R 35 USC § 119	
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	
<del></del>	EIGN APPLICATION(S), IF ANY, FI	T		
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	-
l <del></del>		<del>†                                      </del>		—∥

I hereby claim the benefit of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS
60/421,206	24 October 2002	



Steven J. Shumaker Reg. No. 36,275

Daniel J. Hanson

Reg. No. 46,757

Kent J. Sieffert

Reg. No. 41,312

Kelly P. Fitzgerald

Reg. No. 46,326

Jason D. Kelly

Reg. No. 54,213

Kari H. Bartingale

Reg. No. 35,183

Richard J. Gregson

Reg. No. 41,804

as my/our attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Shumaker & Sieffert, P.A. to the contrary.

Please direct all correspondence in this case to:

SHUMAKER & SIEFFERT, P.A. 8425 Seasons Parkway, Suite 105 St. Paul, Minnesota 55125

Telephone: 651.735.1100 Facsimile: 651.735.1102

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	Full Name Of Inventor	Family Name Koch	First Given Name Christopher	Second Given Name  D.	
	Residence	City	State or Foreign Country	Country of Citizenship	
	& Citizenship	Minneapolis	Minnesota	USA	
-	Post Office	Post Office Address	City	State & Zip Code/Country	
	Address	5215 Abbott Avenue South	Minneapolis	Minnesota 55410/USA	
Sign	Signature of Inventor: Muhale D. There 3-18-04				

Full Name Of Inventor	Family Name Butler	First Given Name Duane	Second Given Name M.
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Anoka	Minnesota	USA
Post Office	Post Office Address	City	State & Zip Code/Country
Address	1417 Cleveland Street	Anoka	Minnesota 55303/USA
gnature of Inventor	::	Dar	te:

.Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Knight	Steven	G.
Residence	City	State or Foreign Country	Country of Citizenship
& Citizensh	p Lilydale	Minnesota	USA
Post Office	Post Office Address	City	State & Zip Code/Country
Address	1013 Sibley Memorial Highway, Apt. 215	Lilydale	Minnesota 55118/USA
Signature of Inventor:		Date:	

	Full Name Of Inventor	Family Name Naegele	First Given Name Bruce	Second Given Name F.
	Residence & Citizenship	City Coon Rapids	State or Foreign Country Minnesota	Country of Citizenship USA
1	Post Office Address	Post Office Address 1740 131 <sup>st</sup> Lane Northwest	City Coon Rapids	State & Zip Code/Country Minnesota 55448/USA
Signa	ture of Inventor	Bruce F. Naegele	Date:	117/2004

# § 1.56 Duty to disclose information material to patentability.

or

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

# Attorney Docker of 1934-004US01

# SHUMAKER & SIEFFERT, P.A.

# **United States Patent Application**

# COMBINED DECLARATION AND POWER OF ATTORNEY

As a beginning and that I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PASSIVE OPTICAL NETWORK ADDRESS ASSOCIATION RECOVERY

c. was (in the case of a PC	, 2003 as application serial no. 10/69 T-filed application) described and cl which I solicit a United States pater	laimed in international no.	(if applicable) or filed and as amended on (if any),
I hereby state that I have review any amendment referred to about		the above-identified specifica	ation, including the claims, as amended by
I acknowledge the duty to disci Federal Regulations, § 1.56 (at	· · · · · · · · · · · · · · · · · · ·	o the patentability of this app	lication in accordance with Title 37, Code
certificate listed below and hav	e also identified below any foreign asis of which priority is claimed: e been filed.	-	reign application(s) for patent or inventor's entor's certificate having a filing date before
FOREIC	GN APPLICATION(S), IF ANY, CI	LAIMING PRIORITY UND	ER 35 USC § 119
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIG	N APPLICATION(S), IF ANY, FI	FD REFORE THE PRIORI	TY APPI ICATION(S)
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

of

I hereby claim the benefit of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS
60/421,206	24 October 2002	

\*28863\*

28863
PATENT TRADEMARK OFFICE

Steven J. Shumaker Reg. No. 36,275 Daniel J. Hanson Reg. No. 46,757

Kent J. Sieffert Reg. No. 41,312 Kelly P. Fitzgerald Reg. No. 46,326

Jason D. Kelly Reg. No. 54,213 Kari H. Bartingale Reg. No. 35,183

Richard J. Gregson Reg. No. 41,804

as my/our attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Shumaker & Sieffert, P.A. to the contrary.

Please direct all correspondence in this case to:

# SHUMAKER & SIEFFERT, P.A. 8425 Seasons Parkway, Suite 105 St. Paul, Minnesota 55125

Telephone: 651.735.1100 Facsimile: 651.735.1102

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name	Family Name	First Given Name	Second Given Name
Of Inventor	Koch	Christopher	D.
Residence	City	State or Foreign Country	Country of Citizenship
& Citizensh	ip Minneapolis	Minnesota	USA
Post Office	Post Office Address	City	State & Zip Code/Country
Address	5215 Abbott Avenue South	Minneapolis	Minnesota 55410/USA
Signature of Inventor:		Dat	e:

	Full Name	Family Name	First Given Name	Second Given Name
	Of Inventor	Butler	Duane	M.
	Residence & Citizenship	City Anoka	State or Foreign Countr Minnesota	Country of Citizenship USA
	Post Office	Post Office Address	City	State & Zip Code/Country
	Address	1417 Cleveland Street	Anoka	Minnesota 55303/USA
Sign	ature of Inventor	- m. 13-5		Date: 3 - 22 - 04

	Full Name	Family Name	First Given Name		Second Given Name
	Of Inventor	Knight	Steven		G.
	Residence	City	State or Foreign Count	ry	Country of Citizenship
	& Citizenship	Lilydale	Minnesota		USA
	Post Office	Post Office Address	City		State & Zip Code/Country
	Address	1013 Sibley Memorial Highway, Apt. 215	Lilydale		Minnesota 55118/USA
Signa	Signature of Inventor:			Date:	

•	Full Name Of Inventor	Family Name Naegele	First Given Name Bruce		Second Given Name F.
•	Residence & Citizenship	City Coon Rapids	State or Foreign Count Minnesota	ry	Country of Citizenship USA
	Post Office Address	Post Office Address 1740 131 <sup>st</sup> Lane Northwest	City Coon Rapids		State & Zip Code/Country Minnesota 55448/USA
Signa	Signature of Inventor:			Date:	

## § 1.56 Duty to disclose information material to patentability.

or

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
    - (2) It refutes, or is inconsistent with, a position the applicant takes in:
      - (i) Opposing an argument of unpatentability relied on by the Office, or
      - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Attorney Docket No. 103#-0040\$01

#### SHUMAKER & SIEFFERT, P.A.

# **United States Patent Application**

# OMBINED DECLARATION AND POWER OF ATTORNEY

As a below ranged investor I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and that I believe fam an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: PASSIVE OPTICAL NETWORK ADDRESS ASSOCIATION RECOVERY

ç. 🔲 was (in the case of a	or 22, 2003 as application serial no. 10/60 or PCT-filed application) described and cold for which I solicit a United States pater	laimed in international no.	(if applicable) or filed and as amended on	(if any),
I hereby state that I have reany amendment referred to	eviewed and understand the contents of above.	the above-identified specificat	tion, including the claims, as ame	ended by
I acknowledge the duty to Federal Regulations, § 1.5	disclose information which is material to 6 (attached hereto).	o the patentability of this appl	ication in accordance with Title 3	37, Code of
certificate listed below and	ority benefits under Title 35, United Stat I have also identified below any foreign he basis of which priority is claimed:			
á. ⊠ no such applications b. ☐ such applications ha	s have been filed. ave been filed as follows:			
FO	REIGN APPLICATION(S), IF ANY, C	LAIMING PRIORITY UNDE	ER 35 USC § 119	
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	
ALL EOI	REIGN APPLICATION(S), IF ANY, FI	I ED BEEODE THE BRIODI	TV ADDI ICATION(S)	
COUNTRY	APPLICATION(S), IF ANY, FI	DATE OF FILING	DATE OF ISSUE	
COUNTRI	AFFLICATION NUMBER	DATE OF FILING	DATE OF ISSUE	H

I hereby claim the benefit of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS
60/421,206	24 October 2002	



Steven J. Shumaker Reg. No. 36,275 Daniel J. Hanson Reg. No. 46,757

Kent J. Sieffert Reg. No. 41,312 Kelly P. Fitzgerald Reg. No. 46,326

Jason D. Kelly Reg. No. 54,213 Kari H. Bartingale Reg. No. 35,183

Richard J. Gregson Reg. No. 41,804

as my/our attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Shumaker & Sieffert, P.A. to the contrary.

Please direct all correspondence in this case to:

SHUMAKER & SIEFFERT, P.A. 8425 Seasons Parkway, Suite 105 St. Paul, Minnesota 55125

Telephone: 651.735.1100 Facsimile: 651.735.1102

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	Full Name Of Inventor	Family Name Koch	First Given Name Christopher		Second Given Name D.
	Residence & Citizenship	City Minneapolis	State or Foreign Country Minnesota	ту	Country of Citizenship USA
	Post Office Address	Post Office Address 5215 Abbott Avenue South	City Minneapolis		State & Zip Code/Country Minnesota 55410/USA
Signature of Inventor:			Date:		

Full Name	Family Name	First Given Name Duane	Second Given Name
Of Inventor	Butler		M.
Residence	City	State or Foreign Country	Country of Citizenship
& Citizenship	Anoka	Minnesota	USA
Post Office	Post Office Address	City	State & Zip Code/Country
Address	1417 Cleveland Street	Anoka	Minnesota 55303/USA
Signature of Inventor:			

		'Full Name	Family Name	First Given Name		Second Given Name	
		Of Inventor	Knight	Steven		G.	
		Residence	City	State or Foreign Country		Country of Citizenship	
		& Citizenship	Lilydale	Minnesota  City Lilydale		USA	
	- 1	Post Office	Post Office Address			State & Zip Code/Country	
		Address	1013 Sibley Memorial Highway, Apt. 215			Minnesota 55118/USA	
	Signa	ture of Inventor	X twa Kuff		Date: /5 A	PRIL 2004	
-		Full Name	Family Name	First Given Name	" -	Second Given Name	
		Of Inventor	Naegele	Bruce		F.	
		Residence	City	State or Foreign Country		Country of Citizenship	
		& Citizenship	Coon Rapids	Minnesota		USA	
	- 1	Post Office	Post Office Address	City		State & Zip Code/Country	
٧		Address	1740 131st Lane Northwest	Coon Rapids		Minnesota 55448/USA	
	Signa	ture of Inventor			Date:		

## § 1.56 Duty to disclose information material to patentability.

or

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.